

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1083 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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ISMAIL M PATHAN

Versus

MAHAMADKHAN ABDULLAKHAN PATHAN

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Appearance:

MR PC KAVINA for Petitioner

MR YN RAVANI for Respondent No. 3

None present for other respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 20/01/2000

ORAL JUDGEMENT

#. Mr.Kavina prays for deletion of names of respondents No.1 and 2 from this civil revision application to which the learned counsel for respondent No.3 has no objection. Names of respondents No.1 and 2 are deleted.

#. The Motor Accident Claims Petition was filed by claimant beyond limitation and the application filed for condonation of delay has been rejected under the impugned order. Hence this civil revision application before this court.

#. The learned counsel for the parties are in agreement that this matter is squarely covered by decision of the Hon'ble Supreme Court in the case of Dhanalal v. R.P.Vijayvargia, reported in 1996(4) Supreme 281. As a result of this agreement, this civil revision application succeeds and the same is allowed and the order of the Motor Accident Claims Tribunal (Main), Surat, dated 20.3.95 is quashed and set aside and the Tribunal is directed to decide the claim petition of the petitioner on merits. The claims petition is of the year 1991. The learned Tribunal is further directed to decide this claim petition within a period of six months from the date of receipt of writ of this order. Rule and civil revision application stand disposed of accordingly with no order as to costs.

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[sunil]